

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

---

UNIVERSAL TRADING & INVESTMENT	:	
CO., INC.	:	
	:	
V.	:	CIVIL ACTION
	:	NO. 11-CV-7877 (PAC)
YULIA TYMOSHENKO	:	
ALEXANDER TYMOSHENKO	:	
ANDREY VAVILOV	:	
	:	
and DOES from 1 to 10	:	
	:	

---

**NOTICE OF MOTION TO DISMISS  
THE COMPLAINT PURSUANT TO RULE 12(b)(2) and 12(b)(6)**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and supporting declarations dated October 18, 2013, and all prior proceedings and pleadings had herein, defendant Andrey Vavilov, by and through his undersigned counsel, will move this Court before the Honorable Paul A. Crotty, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at such date, time and place as the Court shall designate, for an order pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) dismissing the entire amended complaint against Andrey Vavilov for lack of personal jurisdiction and for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that plaintiff's opposition to this motion, if any, shall be filed on or before November 1, 2013, in accordance with this Court's September 16, 2013, Order (Dkt 53).

PLEASE TAKE FURTHER NOTICE that defendant's reply, if any, to plaintiff's opposition to this motion shall be filed on or before November 8, 2013, in accordance with this Court's September 16, 2013, Order (Dkt 53).

Respectfully submitted,

/s/ Matthew P. Feser  
MATTHEW P. FESER  
SALISBURY & RYAN  
1325 Avenue of the Americas, 7th Fl.  
New York, NY 10019  
212-977-4660  
212-977-4668 (fax)  
mf@salisburyryan.com

/s/ James P. Golden  
JAMES P. GOLDEN  
Pennsylvania I.D. No. 32169  
HAMBURG & GOLDEN, P.C.  
1601 Market Street, Suite 3310  
Philadelphia, PA 19103  
215-255-8590  
215-255-8583 (fax)  
goldenjp@hamburg-golden.com  
(Admitted Pro hac vice)

*Attorneys for defendant  
Andrey Vavilov*

Date: October 18, 2013

(SERVICE INFORMATION CONTINUED ON NEXT PAGE)

TO:

Peter A. Joseph, Esq.  
177 Waverly Place #5F  
New York, NY 10014-3552  
peter.joseph72@post.harvard.edu

George A. Lambert, Esq.  
Law offices of Leonard Sushanek  
1025 Connecticut Ave., #1000 NW  
Washington, D.C. 20036  
LawDC10@aol.com

*Attorneys for Plaintiff*

TO:

Kenneth F. McCallion, Esq.  
McCallion & Associates LLP  
100 Park Avenue - 16<sup>th</sup> floor  
New York, NY 10017-5538  
kfm@mccallionlaw.com

*Attorneys for Defendant Yulia Tymoshenko:*